



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

'08 MJ 8333

UNITED STATES OF AMERICA,
Plaintiff,

v.

Mark Anthony GALLEGOS

Defendant

) Mag. Case No. .
) COMPLAINT FOR VIOLATION OF:
)
) Title 8, U.S.C., Section 1324
) (a)(1)(A)(iii)- Harboring Illegal Alien(s)

The undersigned complainant, being duly sworn, states:

On or about ~~November 8, 2007~~ April 19, 2008, within the Southern District of California, defendant Mark Anthony GALLEGOS, knowing and in reckless disregard of the fact that an alien, namely, Ismael AYON-Fernandez, had come to, entered and remained in the United States in violation of law, did conceal, harbor and shield from detection such alien in a building located in Calexico, California; in violation of Title 8, United States Code, Section 1324(a)(1)(A)(iii).

And the complainant states that this complaint is based on the attached statement of facts which, is incorporated herein by reference.

Senior Border Patrol Agent

SWORN TO BEFORE AND SUBSCRIBED IN MY PRESENCE THIS 21st DAY OF APRIL 2008.

Peter C. Lewis

United States Magistrate Judge

1 UNITED STATES OF AMERICA

2 VS.

3 Mark Anthony GALLEGOS,

4
5 STATEMENT OF FACTS

6 The complainant states that this complaint is based upon statements in the investigative
7 reports by the apprehending officer, Border Patrol Agent S. Templin, that the defendant, Mark
8 Anthony GALLEGOS, a citizen of the United States was apprehended in Calexico, California, as
9 he harbored, concealed, and shielded from detection one undocumented alien in violation of law.

10 On April 19, 2008, at approximately 1:55 P.M., Agents Templin and Parga were
11 performing their assigned duties near 941 First Street Calexico, California. The Agents observed
12 GALLEGOS near this residence and it appeared he was looking for something. Agents have
13 encountered GALLEGOS in the past when he was apprehended for alien smuggling. The Agents
14 observed while GALLEGOS was looking around we was talking on a cellular phone.
15 GALLEGOS entered the back door of 941 First Street, Calexico and went inside.

16 Immediately after GALLEGOS disappeared inside the residence, Agents Templin and
17 Parga observed an individual, later identified as Ismael AYON-Fernandez, climb over the
18 International Boundary Fence with Mexico into the United States. AYON ran to the backyard of
19 941 First Street, Calexico and locked himself into a shed in the back yard. Agents observed
20 GALLEGOS came out of the residence, look around the area and walk over to the shed door. The
21 agents could hear GALLEGOS yelling through the door to AYON. AYON opened the door and
22 came out. Agent Templin observed GALLEGOS using his hands to motion AYON to leave the
23 shed and enter the house. After GALLEGOS instructed AYON to enter the house, AYON and
24 GALLEGOS went inside the residence. Agents maintained a constant visual of all the entrances
25 and exits for the residence.

26 At approximately 2:20 P.M., GALLEGOS came outside alone through the back door.
27 Agent Templin approached GALLEGOS and questioned him. GALLEGOS denied any
28 knowledge of AYON or his current where-a-bouts. GALLEGOS was detained for further
29

1 questioning. The Agents continued to maintain a visual on all the entrances and exits to the
2 residence.

3 At 3:10 P.M., Jose GALLEGOS Sr., a resident of 941 First Street, Calexico arrived at the
4 location and Agent M. Velasco approached him. GALLEGOS Sr. consented to allow Border
5 Patrol Agents inside the residence to look for AYON. AYON was located underneath a bed
6 inside the residence. Upon being questioned by agents, AYON admitted to being a citizen of
7 Mexico illegally in the United States. GALLEGOS and AYON were arrested and transported to
8 the Calexico Border Patrol Station.

9 At the station, Agent Parga witnessed Agent Templin read GALLEGOS his rights per
10 Miranda. GALLEGOS stated he understood his rights and was willing to answer questions
11 without an attorney present. GALLEGOS stated an illegal alien came out of the shed and walked
12 into the house on his own. GALLEGOS stated he went inside the residence and grabbed his wife
13 and left the residence. GALLEGOS stated if they caught him in there he would get accused of
14 alien smuggling. GALLEGOS repeated several times he did not do anything.

15 Material Witness Ismael AYON-Fernandez stated he made arrangements with an
16 unknown smuggler in Mexico to pay \$2,000 to be smuggled into the United States after crossing
17 the fence. AYON stated the guys in Mexico told him where to go into a little room in the United
18 States. AYON stated he did not know what to do after that. AYON stated a guy, GALLEGOS,
19 talked to him through the door and GALLEGOS called him by his first name. AYON stated he
20 opened the door and GALLEGOS took him into the house. AYON stated GALLEGOS told him
21 to say he had entered the house by himself. AYON stated GALLEGOS told him to hide under the
22 bed. AYON was shown a photo line-up and identified photo number one, GALLEGOS, as the
23 person got him out of the room and instructed him hide under the bed after entering the house.

24 The complainant states that the names of the Material Witness are as follows:

<u>NAME</u>	<u>PLACE OF BIRTH</u>
IsMael AYON-Fernandez	Mexico

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Further, complainant states that Ismael AYON-Fernandez, is a citizen of a country other than the United States; that said alien has admitted that he is deportable; that his testimony is material, that it is impracticable to secure his attendance at the trial by subpoena; and he is a material witness in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.